

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:15CV1036
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
\$16,765.00 IN U.S. CURRENCY, ET AL.,)	GOVERNMENT'S BRIEF IN
)	OPPOSITION TO CLAIMANT
Defendants.)	SCHENDER'S MOTION TO LIFT THE
)	STAY OF PROCEEDINGS TO PERMIT
)	THE FILING OF A MOTION TO
)	<u>UNSEAL AFFIDAVITS</u>

Now comes the United States of America, by and through undersigned counsel, and states its opposition to Claimant Brandon Selvaggio's motion to lift the stay of proceedings for the limited purpose of allowing the filing of a motion to unseal affidavits, for the following reasons:

The motion should be denied as the motion to unseal is presented to the wrong judicial officer. The civil *in rem* forfeiture case is currently on the docket of the Honorable Christopher A. Boyko, who has stayed the civil case pending the filing of an indictment in the closely related criminal investigation. While this Honorable Court has the civil proceedings on its docket, the criminal investigation is not. The search and seizure warrants that Claimant wishes to place in issue were based not only upon the civil forfeiture and seizure authority, but also upon criminal search and seizure authority.

The United States approached the Honorable George M. Limbert, who not only issued the search and seizure warrants, but also ordered that the documents, including the affidavits, be

sealed. As such, Claimant should have directed any motion to unseal the warrants to Magistrate Judge Limbert in light of Judge Limbert's order sealing the documents.

This Honorable Court stayed the proceedings based upon the status of the related criminal investigation and upon information which has been provided to this Honorable Court in camera. The stay of the civil case and the sealing (or unsealing) of affidavits are separate issues. The Claimant should approach the Magistrate Judge who issued the warrants under the miscellaneous case numbers assigned to those warrants, so that he can directly assess the impact the release of the requested information would have on the criminal investigation.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of July, 2016, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Phillip J. Tripi
Phillip J. Tripi
Assistant U.S. Attorney